

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

Plaintiffs' Master Administrative Long-Form Complaint and:

Robert Holt, et al. v. National Football League, et al. (Plaintiff Hart Lee Dykes ONLY)

Court File No. 12-cv-4185-AB

**PETITION TO ESTABLISH  
ATTORNEY'S LIEN**

Petitioner, Charles S. Zimmerman for Zimmerman Reed LLP ("Zimmerman Reed"), pursuant to Minn. Stat. § 481.13 and pursuant to the executed Agreement for Legal Services section titled "Termination" petitions and states as follows:

1. Petitioner is an attorney at law admitted to practice before the courts of Minnesota, is a Court-appointed member of the Plaintiffs' Steering Committee in the above captioned MDL matter, and files this Petition to establish a lien for attorney's fees as set forth hereinafter.

2. On or about March 26, 2012, Petitioner was retained and employed by the Plaintiff, Hart Lee Dykes, pursuant to an agreement for legal services, to pursue a claim for injuries and damages allegedly caused by the National Football League's conduct associated with football-related concussions, head, and brain injuries.

3. The specifics of the agreement for legal services are as follows: If no recovery (by settlement or trial) is obtained client will not owe a legal fee. If Zimmerman Reed obtains a settlement or judgment for Client, Client will pay to Zimmerman Reed twenty percent (20%) of the gross recovery plus reimbursement of expenses.

4. When Petitioner entered into contract with Plaintiff, Petitioner entered into the risk and expense of the litigation before any settlement discussion had been held. Pursuant to this agreement, the Petitioner filed a Complaint on July 23, 2012 in this matter on behalf of the Plaintiff, which is the subject of the instant action.

5. From the date the Petitioner was authorized to proceed on behalf of the Plaintiff, the Petitioner has actively and diligently investigated, prepared, and pursued Plaintiff's claims, and has taken all steps necessary to prosecute those claims, including, but not limited to, the preparation and filing of complaints, correspondence and communications with the client, preparation and review of client's factual and legal circumstances, retaining experts, drafting and providing client updates, analyzing Plaintiff's medical status and need for medical testing, etc.

6. Throughout this litigation, Petitioner has served and continues to serve on the Plaintiffs' Steering Committee, which has inured to the Plaintiff's benefit with Zimmerman Reed's representation.

7. The Plaintiff had discharged the Petitioner as his attorney in this matter, and it is expected that a new attorney will be pursuing representation of the Plaintiff in this action.

8. Petitioner was not terminated due to any malfeasance or other improper action.

9. The Petitioner claims the right to have a lien for attorney's fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Plaintiff in this action.

WHEREFORE, the Petitioner prays:

1. That an attorney's lien be established;
2. That the amount of the lien be determined;
3. That the Court order that Petitioner be entitled to enforce an attorney's lien against the proceeds to be derived from any settlement or judgment in this action;
4. That the Defendant or the Defendant's insurer be prohibited from paying to the Plaintiff any sums of money until said lien has been satisfied; and
5. For such other further relief as this Court deems just.

Dated: November 17, 2016

Respectfully submitted,

ZIMMERMAN REED LLP

s/ Charles S. Zimmerman

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Petition to Establish Attorney's Lien to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for CM/ECF in the litigation.

Dated: November 17, 2016

ZIMMERMAN REED LLP

s/ Charles S. Zimmerman

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